



Docket No.: E3331.0587/P587
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael Togher et al.

Application No.: 10/665,570

Filed: September 22, 2003

Art Unit: N/A

For: CREDIT MANAGEMENT FOR
ELECTRONIC BROKERAGE SYSTEM

Examiner: Not Yet Assigned

PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is a Petition to Make Special the above-identified patent application. This application is a divisional of U.S. Application No. 09/563,461, filed May 2, 2000 and presents claims directed to the subject matter of non-elected Group III, as defined by the Examiner in the parent application.

Although the Examiner of the parent indicated that these claims belong to a single group, should it be determined that all claims presented are not directed to a single invention, the undersigned, acting for the Applicants, will make an election without traverse, following telephone restriction practice.

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In support of this Petition, applicants submit the following:

1. An Information Disclosure Statement listing at least each of the references cited herein has already been filed in this application, along with one copy each of the references most closely related to the subject matter encompassed by the claims and any others not already made of record in predecessor applications.
2. A search was performed among the references classified in at least Class 705, subclasses 1, 7, 35, 36 and 37. Computer searching, using, for example, using keywords in the USPTO full-text database, was performed to augment the classification search.
3. Of the references located in the search described above, or of record in predecessor applications, the following are deemed most relevant to the present application. Although these references have previously been made of record, as a courtesy, this paper is accompanied by duplicate copies of these patents.
4. U.S. Patent 5,136,501 to Silverman et al. shows a matching system for trading instruments. In the system, bids and offers are automatically matched to complete trades, if counterparty credit limits between potential parties to the transaction are satisfied. In Silverman et al., if a keystation wants to hit on a bid for a particular quantity, it is possible that to satisfy that order more than one match could be involved. In Silverman, there is no teaching or suggestion that a best bid indicates the best price at which the trader can accept an offer to sell a predetermined quantity of a product. Silverman et al. also shows partial acceptance of an order, but the remaining portion in such a transaction is not cancelled. Rather, the remaining portion is set up as a new offer on the system. See col. 14, lines 3-22.
5. Silverman also shows that in an auction market, only one price, the best price, is displayed in the user's sub-book. However, as shown in Figure 16, even in an auction market, if more than one order has the best price, the order earlier in time is displayed as having priority, but all equal prices are displayed, not just the earlier quote at the same price.

6. U.S. Patent 3,573,747 to Adams et al. shows a method for anonymously buying or selling fungible properties, whereby if a quantity during closing is inadequate or only partially completes an offer, the system attempts to perform a closing with the offer of second priority. Additionally, if there are duplicate prices, the offer with the earliest time will be provided first priority. In the Adams et al. patent, when the quantity of an offer has not been completely accepted, the system withdraws the offer, but only if the remaining amount is less than a predetermined minimum amount.

7. U.S. Patent 5,243,331 to McCausland et al. shows an order entry and execution trading system in which orders valued below the best bid or above the best offer are accepted by the system and subsequently displayed in the book. At col. 24, lines 42-53, McCausland et al. shows transactions involving a partial buy and a partial sell. However, there is no teaching or suggestion of a feature whereby, after a partial acceptance of an offer, the remaining portion of the order is cancelled, regardless of the size of the remaining portion.

8. The prior art, taken alone or in combination, does not teach or suggest, the unique combinations of elements recited in claim 1. Specifically, none of the references, alone or in combination, teach or suggest displaying a best bid which can be accepted by a trader on a trading terminal used by the trader, the best bid indicating the best price at which the trader can accept an offer to sell a predetermined quantity of a product, the best bid being a composite bid of two smaller bids made by two other traders using the computerized trading system, each of the two smaller bids being for a quantity of product which is below the predetermined quantity and at a price which is at least as good as the best price, as recited in independent claim 1.

9. Further, none of the references teach or suggest making a partial acceptance of an offer, the partial acceptance covering less than the full quantity of the offer, and thereafter canceling a remaining portion of the order, as recited in independent claim 2.

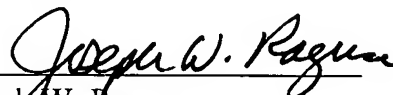
10. Moreover, none of the references teach or suggest displaying on a trading terminal associated with a given trader the best quote which that trader can accept, the best quote being a function of the best price available to the given trader and, if two or more quotes at that price are available to the given trader, displaying only the earlier such quote entered into the trading system, as recited in independent claim 3.

11. Accordingly, applicants request that this Petition to Make Special be granted and the application undergo accelerated examination.

12. Please charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2215, under Order No. E3331.0587/P587. A duplicate copy of this paper is enclosed.

Dated: November 10, 2003

Respectfully submitted,

By 
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